

**FILED**

JUN 28 2018

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIACLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

LINDA SUE KALINA

Criminal No.

18-175

**INDICTMENT MEMORANDUM**

AND NOW comes the United States of America, by its attorneys, Scott W. Brady, United States Attorney for the Western District of Pennsylvania, and Carolyn J. Bloch, Assistant United States Attorney for said District, and submits this Indictment Memorandum to the Court:

**I. THE INDICTMENT**

A federal grand jury returned a six-count indictment against the above-named defendant for alleged violations of federal law:

| <u>COUNT</u> | <u>OFFENSE/DATE</u>  | <u>TITLE/SECTION</u>                  |
|--------------|--|---------------------------------------|
| 1            | Wrongfully Obtaining<br>Individually Identifiable<br>Health Information<br>From on or about March 30,<br>2016, to on or about June 15,<br>2017 | 42 U.S.C. §§ 1320d-6(a)(2) and (b)(1) |
| 2            | Wrongfully Obtaining<br>Individually Identifiable<br>Health Information<br>On or about August 14, 2017   | 42 U.S.C. §§ 1320d-6(a)(2) and (b)(1) |

3-6      Wrongful Disclosure of      42 U.S.C. §§ 1320d-6(a)(3) and (b)(3)  
Individually Identifiable  
Health Information  
On or about December 30,  
2016, January 4, 2017,  
June 13, 2017, and August  
11, 2017, respectively

## **II. ELEMENTS OF THE OFFENSES**

### **A. As to Counts One and Two:**

In order for the crime of Wrongfully Obtaining Individually Identifiable Health Information, in violation of 42 U.S.C. §§ 1320d-6(a)(2) and (b)(1), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the defendant knowingly obtained individually identifiable health information relating to an individual; and
2. That the defendant obtained the information in violation of Title 42 United States Code Chapter 7, Subchapter XI, Part C.

Title 42, United States Code, Section 1320d-6(a)(2). See U.S. v. Huping Zhou, 678 F.3d 1110, at 1113 (9<sup>th</sup> Cir. 2012).

### **B. As to Counts Three through Six:**

In order for the crime of Wrongful Disclosure of Individually Identifiable Health Information, in violation of 42 U.S.C. §§ 1320d-6(a)(3) and (b)(3), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the defendant knowingly disclosed individually identifiable health information relating to another person;
2. That the defendant disclosed the individually identifiable health information without authorization; and

2. That the defendant disclosed the individually identifiable health information without authorization; and
3. The defendant disclosed the individually identifiable health information with the intent to cause malicious harm.

Title 42, United States Code, Sections 1320d-6(a)(3) and (b)(3).

### **III. PENALTIES**

**A. As to Counts One and Two: Wrongfully Obtaining Individually Identifiable Health Information (42 U.S.C. §§ 1320d-6(a)(2) and (b)(1)):**

1. Imprisonment of not more than one year;
2. A fine of not more than \$100,000; and
3. Supervised release of not more than one year.

**B. As to Counts Three through Six: Wrongful Disclosure of Individually Identifiable Health Information (42 U.S.C. §§ 1320d-6(a)(3) and (b)(3))**

1. Imprisonment of not more than 10 years;
2. A fine of not more than \$250,000; and
3. Supervised release of not more than three years.

### **IV. MANDATORY SPECIAL ASSESSMENT**

A mandatory special assessment of \$25.00 must be imposed at each of Counts One and Two, and a mandatory special assessment of \$100.00 at each of Counts Three through Six, upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013.

### **RESTITUTION**

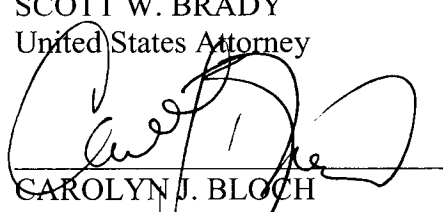
Restitution may be required in this case as to Count , together with any authorized penalty, as part of the defendant's sentence pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664.

**VI. FORFEITURE**

Not applicable in this case.

Respectfully submitted,

SCOTT W. BRADY  
United States Attorney



CAROLYN J. BLOCH  
Assistant U.S. Attorney  
PA ID No. 53430